

COUNTY OF YORK

MEMORANDUM

DATE: November 3, 2004 (BOS Mtg. 11/16/04)

TO: York County Board of Supervisors

FROM: James E. Barnett, County Attorney

SUBJECT: Skimino Hills Sewer Project

As with most utility projects, in the Skimino Hills sewer project, there is one easement we need to obtain for the project that cannot be immediately obtained by voluntary conveyance. Fortunately, so as not to unduly hinder or prevent projects such as water or sewer that are designed to benefit an entire community, state law permits the Board, after the adoption of an ordinance or resolution following a public hearing, and the subsequent recordation of certificates of take, to enter upon and take the easements necessary for the project, prior to formal condemnation proceedings being initiated. The recordation of such a certificate binds the County to pay the owner at least the amount set out in the Board's resolution. The figure reflected in the attached resolution is based on appraisal prepared by staff and reviewed by the County Assessor, and represents the most recent offer made for the easement.

In the Skimino Hills sewer project, the following has been identified as an easement that needs to be acquired:

Official Tax Map No. 2F-7-7-127
(112 Nina Circle)
Property of Marsha G. Forrest

In this case, the property owner advised County staff some time ago that she would accept the County's offer for the easement and sign an easement deed. But despite having been provided with a deed, she has inexplicably failed to sign and return the deed to the County. Another easement was earlier acquired across the rear of the same property, also by condemnation, because the owner never responded to the County's offer.

I have attached for your consideration a proposed resolution that will authorize the filing of certificates of take and the entry onto the properties for the purpose of

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constructing the needed utilities thereon. The easements are shown on the plats, copies of which are also attached.

Barnett/3340:mrc
Attachments

- Plat
- Proposed Resolution R04-164